

REMARKS

The Office Action dated March 24, 2005 has been carefully considered. Claims 1-103 directed to an unelected invention have been canceled. Claims 104-107, 109-112, 114-118, 120-122, 124, 125, 129, 130, 132, 134 and 135 have been amended. Claims 104-112 and 114-138 are in this application.

Claims 112, 127 and 128 are allowed. Claims 104-112, 114-125 and 127-138 are allowable over the prior art of record.

Claims 104-111, 114-125, 129, 130-138 were objected to as informal. The claims have been amended to obviate the objection.

Claims 104 and 107 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicants have amended the claims to provide a structural relationship. Support for this amendment is found throughout the specification and in particular on page 41, lines 27-31 and page 44, lines 18-27. No new matter has been entered.

The previously presented claim 126 was rejected under 35 U.S.C. § 102(a) as anticipated by U.S. Patent No. 5,320,808 to Holen et al. Applicant submits that the teachings of this reference do not teach or suggest the invention defined by the present claims.

Claim 126 has been amended to include the limitation of applying a centripetal force to a cell or group of cells contained within a MEMS device facilitating migration of the cells onto the enucleation region of the MEMS device wherein the centrifugal platter comprises a circular disc, a plurality of ports for holding the MEMS devices, and a securing means for attaching to a spinner or driving means. Support for this amendment is found throughout the specification and in particular on page 15, lines 16-22 and page 67, lines 16-28.

Holen et al. teach a rotatable carousel for use in an automated biological assay apparatus which sequentially presents a number of test sites to examination by an optical reader. The carousel includes openings to hold a reaction cartridge to be scanned by an optical reader through rotation of the carousel. The cartridge contains a first assay binding component which is adapted to capture a specific second assay binding component in a biological sample.

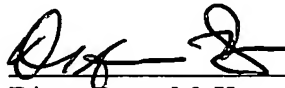
In contrast to the invention defined by the present claims, Holen et al. do not teach or suggest applying a centrifugal force to a cell or group of cells contained within a MEMS device

for facilitating migration of the cell or group of cells onto an enucleation region of the MEMS device. Rather, Holen et al. only teach providing movement of carousels to different positions for scanning by an optical reader. There is no teaching or suggestion of applying a centrifugal force to cells or a group of cells. Applicant submits that the centripetal acceleration of the present invention not only positions the cells onto the MEMS enucleation region, it also provides forces that position the DNA next to the MEMS enucleation region (but within the cell membrane surface). This feature has the advantage that, otherwise, the DNA floats free and will not be removed when the cell is penetrated by the MEMS enucleation region. This active repositioning of the DNA to a desired region is a feature of the present invention. Without it, cytoplasm may be removed but DNA would not necessarily be removed. Accordingly, the present invention and the Holen et al. invention address entirely different problems and processes using different tools at the process sites. Accordingly, Holen et al. do not teach each of the limitations of the present claims and the invention defined by the present claims is not anticipated by Holen et al.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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